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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,269	10/05/2004	Martin Griesser	PC10604US	1632
23122	7590	12/06/2005	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			ALLEN, ANDRE J	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/510,269	Applicant(s) GRIESSER ET AL.	
	Examiner Andre J. Allen	Art Unit 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19, 20 and 26 is/are rejected.
- 7) ☒ Claim(s) 21-25 and 27-39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: <u>5/20/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19,20 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by the Applicants Admitted Prior Art (AAPA).

Regarding claim 19 AAPA teaches at least one reference value is produced (page 1 line 25) on the basis of wheel speed information (page 1 line 7), the time variation of the reference values is examined, and tire growth is detected on the basis of said variation (page 2 lines 1-15).

Regarding claims 20 and 25 AAPA teaches wherein the reference values (one or more) produced are compared with acquired learned values (one or more), and tire growth (pressure loss) is detected based on the

comparison/deviaton of the reference and learned value (page 2 lines 1-10).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Hrabal (US 2005/0126273).

Regarding claim 26 AAPA teaches all the basic features of the claimed invention except the pressure loss detection system is deactivated while circumferential growth takes place or is detected. Hrabal teaches pressure loss detection system is deactivated while circumferential growth takes place or is detected [0063][0064][0065][0066][0067].

It would have been obvious to a person having ordinary skill the art of tire maintenance systems at the time the invention was made to modify the apparatus taught by AAPA with a pressure loss detection system that is deactivated while circumferential growth takes place or is detected as taught by Hrabal for the purpose of exploiting a part of energy consumed by an under-inflated tire for getting over higher rolling resistance of an under-inflated tire to partial or full removal of this state and inflation of the tire (Hrabal [0031]).

Allowable Subject Matter

3. Claims 21-24,27-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: With respect to claims 21 and 22 the cited prior art fails to teach learned values and circumferential growth to be learned

and examined individually. Regarding claims 27 and the cited prior art fails to teach a sign of the rotational speed variation of the examined wheel is evaluated for making a distinction between pressure loss and circumferential growth and a comparison is made of the variation of or the deviations from learned values between at least two, in particular three, differently determined reference values, and the differently determined reference values differ from each other in that they represent in particular diagonal relations, side relations and axle relations.. Regarding claim 31 the cited prior art fails to teach the deviation between a reference value and a learned value for this reference value is examined, and a probability value is raised when this deviation of a first threshold value DDS-FOR-GROW is exceeded. Regarding claims 34 and 35 the cited prior art does not disclose nor suggest wherein tire growth is not concluded in the case that one or more reference values exceed a threshold value DDS-MAX-GROW and the method of detecting new tires is reset into an initial condition when a tire change reset signal, such as a DDS-Reset in particular, is detected.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US documents 5248957, 5583483,

2004/0011117, 6718818, 4084350, 4078339 all teach devices that discuss tire growth.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre J. Allen whose telephone number is 571-272-2174. The examiner can normally be reached on mon-fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system; see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



André Allen
Patent Examiner
Art Unit 2855